(c) Reasonable precautions to insure that the origin of seed is known shall include the maintaining of a record as described in § 201.5. The examination of the seed and any pertinent facts may be taken into consideration in determining whether reasonable precautions have been taken to insure the origin to be that which is represented.

[5 FR 31, Jan. 4, 1940, as amended at 20 FR 7929, Oct. 21, 1955; 32 FR 12779, Sept. 6, 1967]

§ 201.15 Weed seeds.

The percentage of weed seeds shall include seeds of plants considered weeds in the State into which the seed is offered for transportation or transported and shall include noxious weed seeds.

[5 FR 31, Jan. 4, 1940]

§ 201.16 Noxious-weed seeds.

(a) Except for those kinds of noxious-weed seeds shown in paragraph (b) of this section, the names of the kinds of noxious-weed seeds and the rate of occurrence of each shall be expressed in the label in accordance with, and the rate of occurrence shall not exceed the rate permitted by, the law and regulations of the state into which the seed is offered for transportation or is transported. If in the course of such transportation, or thereafter, the seed is diverted to another State of destination, the person or persons responsible for such diversion shall cause the seed to be relabeled with respect to the noxious-weed seed content, if necessary to conform to the laws and regulations of the State into which the seed is diverted.

(b) Seeds or bulblets of the following plants shall be considered noxious-weed seeds in agricultural and vegetable seeds transported or delivered for transportation in interstate commerce (including Puerto Rico, Guam, and the District of Columbia). Agricultural or vegetable seed containing seeds or bulblets of these kinds shall not be transported or delivered for transportation in interstate commerce. Noxious-weed seeds include the following species on which no tolerance will be applied:

Aeginetia spp.
Ageratina adenophora (Spreng.) King and H.E. Robins.
Alectra spp.
Alternanthera sessilis (L.) DC.
Asphodelus fistulosus L.
Avena sterilis L. (including *Avena ludoviciana* Dur.)
Azolla pinnata R. Br.
Borreria alata (Aubl.) DC.
Carthamus oxyacantha M. Bieb.
Chrysopogon aciculatus (Retz.) Trin.
Commelina benghalensis L.
Crupina vulgaris Cass.
Digitaria abyssinica Stapf.(=*D. scalarum* (Schweinf.) Chiov.)
Digitaria velutina (Forsk.) Beauv.
Drymaria arenarioides Roem. and Schult.
Eichornia azurea (Sw.) Kunth
Emex australis Steinh.
Emex spinosa (L.) Campd.
Galega officinalis L.
Heracleum mantegazzianum Sommier & Levier
Hydrilla verticillata (L. f.) Royle
Hygrophila polysperma T. Anders.
Imperata brasiliensis Trin.
Imperata cylindrica (L.) Raeusch.
Ipomoea aquatica Forsk.
Ipomoea triloba L.
Ischaemum rugosum Salisb.
Lagarosiphon major (Ridley) Moss
Leptochloa chinensis (L.) Nees
Limnophila sessiliflora (Vahl) Blume
Lycium ferocissimum Miers
Melaleuca quinquenervia (Cav.) Blake
Melastoma malabathricum L.
Mikania cordata (Burm. f.) B.L. Robins.
Mikania micrantha H.B.K.
Mimosa invisa Mart.
Mimosa pigra L. var. *pigra*
Monochoria hastata (L.) Sloms-Laub.
Monochoria vaginalis (Burm. f.) K.B. Presl
Nassella trichotoma (Nees) Arechavaleta
Opuntia aurantiaca Lindl.
Orobanche spp.
Oryza longistaminata A. Cheval. and Roehr.
Oryza punctata Steud.
Oryza rufipogon Griff.
Ottelia alismoides (L.) Pers.
Paspalum scrobiculatum L.
Pennisetum clandestinum Chiov.
Pennisetum macrourum Trin.
Pennisetum pedicellatum Trin.
Pennisetum polystachion (L.) Schult.
Prosopis alapataco R.A. Philippi
Prosopis argentina Burkart
Prosopis articulata S. Watson
Prosopis burkartii Munoz
Prosopis caldenia Burkart
Prosopis calingastana Burkart
Prosopis campestris Griseb.
Prosopis castellanosii Burkart
Prosopis denudans Benth.
Prosopis elata (Burkart) Burkart
Prosopis farcta (Russell) Macbride
Prosopis ferox Griseb.
Prosopis fiebrigii Harms
Prosopis hassleri Harms

Prosopis humilis Hook. and Arn.
Prosopis kuntzei Harms
Prosopis pallida (Willd.) H.B.K.
Prosopis palmeri S. Watson
Prosopis reptans Benth. var. *reptans*
Prosopis rojasiana Burkart
Prosopis ruizlealii Burkart
Prosopis ruscifolia Griseb.
Prosopis sericantha Hook. and Arn.
Prosopis strombulifera (Lam.) Benth.
Prosopis torquata (Lagasca) DC.
Rottboellia cochinchinensis (Lour.) Clayton (=*R. exaltata (L.) L.f.*)
Rubus fruticosus L. (complex)
Rubus moluccanus L.
Saccharum spontaneum L.
Sagittaria sagittifolia L.
Salsola vermiculata L.
Salvinia auriculata Aubl.
Salvinia biloba Raddi
Salvinia herzogii de la Sota
Salvinia molesta D.S. Mitchell
Setaria pallide-fusca (Schumach.) Stapf and Hubb.
Solanum torvum Sw.
Solanum viarum Dunal
Sparaganium erectum L.
Striga spp.
Tridax procumbens L.
Urochloa panicoides Beauv.

[65 FR 1706, Jan. 11, 2000]

§ 201.17 Noxious-weed seeds in the District of Columbia.

(a) Noxious-weed seeds in the District of Columbia are: Quackgrass (*Elytrigia repens*), Canada thistle (*Cirsium arvense*), field bindweed (*Convolvulus arvensis*), bermudagrass (*Cynodon dactylon*), giant bermudagrass (*Cynodon dactylon* var. *aridus*), annual bluegrass (*Poa annua*), and wild garlic or wild onion (*Allium canadense* or *Allium vineale*). The name and number per pound of each kind of such noxious-weed seeds present shall be stated on the label.

(b) [Reserved]

[65 FR 1707, Jan. 11, 2000]

§ 201.18 Other agricultural seeds (crop seeds).

Agricultural seeds other than those included in the percentage or percentages of kind, variety, or type may be expressed as ''crop seeds'' or ''other crop seeds,'' but the percentage shall include collectively all kinds, varieties, or types not named upon the label.

[5 FR 31, Jan. 4, 1940]

§ 201.19 Inert matter.

The label shall show the percentage by weight of inert matter.

[5 FR 31, Jan. 4, 1940]

§ 201.20 Germination.

The label shall show the percentage of germination each kind, or kind and variety, or kind and type, or kind and hybrid of agricultural seed present in excess of 5 percent or shown in the labeling to be present in a proportion of 5 percent or less: *Provided*, That this shall not apply to freshly harvested Kentucky bluegrass or sugar beet seed transported or delivered for transportation during the months of July, August, and September for seeding during the year in which the seed is produced.

[24 FR 3953, May 15, 1959, as amended at 32 FR 12779, Sept. 6, 1967; 59 FR 64491, Dec. 14, 1994]

§ 201.21 Hard seed.

The label shall show the percentage of hard seed, if any is present, for any seed required to be labeled as to the percentage of germination, and the percentage of hard seed shall not be included as part of the germination percentage.

[24 FR 3953, May 15, 1959]

§ 201.22 Date of test.

(a) The label shall show the month and year in which the germination test was completed. No more than 5 calendar months shall have elapsed between the last day of the month in which the germination test was completed and the date of transportation or delivery for transportation in interstate commerce, except for seed in hermetically sealed containers as provided in § 201.36c in which case no more than 24 calendar months shall have elapsed between the last day of the month in which the germination test was completed prior to packaging and the date of transportation or delivery for transportation in interstate commerce.

(b) In the case of a seed mixture, it is only necessary to state the calendar month and year of such test for the kind or variety or type of agricultural seed contained in such mixture which has the oldest calendar month and year